

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOSE GALLEGOS,

Case No. 3:19-cv-00613-RCJ-CLB

4 Plaintiff

ORDER

5 v.

6 HAROLD WICKHAM, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 On October 7, 2019, Plaintiff, who is an inmate in the custody of the Nevada
11 Department of Corrections ("NDOC"), submitted a civil rights complaint pursuant to 42
12 U.S.C. § 1983. (ECF No. 1). Plaintiff neither paid the full filing fee for this matter nor filed
13 an application to proceed *in forma pauperis*. On October 10, 2019, this Court advised
14 Plaintiff that he must complete an application to proceed *in forma pauperis* and attach
15 both an inmate account statement for the past six months and a properly executed
16 financial certificate within thirty (30) days from the date of the order. (ECF No. 3). On
17 November 14, 2019, Plaintiff submitted a properly executed financial certificate and an
18 inmate account statement for the past six months, however, the filing did not include an
19 application to proceed *in forma pauperis* on this Court's approved form. (ECF No. 4).
20 Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C.
21 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed
22 *in forma pauperis* on this Court's approved form and attach both an inmate account
23 statement for the past six months and a properly executed financial certificate. Plaintiff
24 has not submitted an application to proceed *in forma pauperis* on this Court's approved
25 form. (See ECF No. 4). As such, the Plaintiff's application to proceed *in forma pauperis*
26 is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No.
27 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff
28 will be granted another opportunity to cure the deficiencies of his application to proceed

1 *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff
2 chooses to file a new application to proceed *in forma pauperis* he must file a fully complete
3 application to proceed *in forma pauperis* on this Court's approved form and include an
4 inmate account statement for the past six months and a properly executed financial
5 certificate. Plaintiff is advised that this case will not be placed in line for screening until
6 he either pays the filing fee or files a complete application to proceed *in forma pauperis*
7 on this Court's approved form and attaches both an inmate account statement for the past
8 six months and a properly executed financial certificate.

9 **II. CONCLUSION**

10 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
11 *in forma pauperis* (ECF No. 4) is DENIED without prejudice to file a new application.

12 IT IS FURTHER ORDERED that the Clerk of the Court WILL SEND Plaintiff the
13 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
14 document entitled information and instructions for filing an *in forma pauperis* application.

15 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
16 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
17 the correct form with complete financial attachments in compliance with 28 U.S.C. §
18 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
19 fee and the \$50 administrative fee).

20 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
21 dismissal of this action may result.

22 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
23 (ECF No. 1-1) but will not file it at this time.

24 DATED: November 20, 2019.

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27 UNITED STATES MAGISTRATE JUDGE
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